

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL LALIMA,

Plaintiff,

-against-

LONG ISLAND RAILROAD COMPANY,

Defendant.

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ORDER

CV 22-3898 (KAM)(AYS)

SHIELDS, United States Magistrate Judge:

As stated on the record during the discovery telephone conference held on March 28, 2023, this Court construes Plaintiff's submission of April 3, 2023 (Docket Entry ("DE") [16]) as a motion to compel and, as such, grants the motion. Plaintiff served Defendant with a discovery request consisting of eighteen interrogatories. (DE [16-1].) In response, Defendant provided a nonsensical list of twenty-five answers that do not appear to even match the interrogatories propounded. (DE [16-2].) Even a cursory review of the documents submitted demonstrates that Defendant's responses to Plaintiff's Interrogatories are non-responsive and completely fail to comply with Federal Rule of Civil Procedure 33.

It appears to the Court that Defendant's counsel may have misconstrued Plaintiff's Interrogatories as his requests for document production. In fact, the response to Plaintiff's Interrogatories is entitled "Defendant's Response to Plaintiff's Requests to Produce" and it references Federal Rule of Civil Procedure 34, which pertains to document productions. (DE [16-2].) Accordingly, the Court will permit Defendant the opportunity to re-serve its response.

Defendant is directed to consult both the Federal Rules of Civil Procedure and the Local Civil Rules for this District and to re-serve responsive, properly sworn to responses to Plaintiff's Interrogatories within one week of the date of this Order. See Fed. R. Civ. P. 33(b)(3). Any

objections must be stated with specificity. See Fed. R. Civ. P. 33(b)(4). If the new responses do not comply with the Federal and local rules, sanctions will be imposed on Defendant and its counsel. To the extent the new responses fail to assert proper objections, all objections will be deemed waived. Id.

SO ORDERED.

Dated: Central Islip, New York
April 11, 2023

/s/ Anne Y. Shields
ANNE Y. SHIELDS
United States Magistrate Judge